

**PROOF**

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**STATE OF IOWA**

**House Journal**

**TUESDAY, APRIL 22, 2003**

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# JOURNAL OF THE HOUSE

One-hundredth Calendar Day - Seventy-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 22, 2003

The House met pursuant to adjournment at 8:43 a.m., Speaker Rants in the chair.

Prayer was offered and a song was sung by Reverend Robert E. Connors, pastor of the Union Park Independent Christian Church, Des Moines. He was the guest and is the brother of the Honorable John Connors, state representative from Polk County.

The Journal of April 21, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## PETITION FILED

The following petition was received and placed on file:

By Thomas of Clayton from two hundred seventy-two people from Buchanan, Delaware and Fayette counties favoring the four year transfer to formula funding for equalization of empowerment areas.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 206](#), a bill for an act increasing the child age applicable to mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 8:47 a.m., until the fall of the gavel.

The House resumed session at 3:06 p.m., Klemme of Plymouth in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-members present, twenty absent.

#### INTRODUCTION OF BILLS

[House File 689](#), by committee on ways and means, a bill for an act relating to ethanol blended gasoline, by providing for tax credits and for their retroactive applicability, providing for refunds, and providing for an effective date.

Read first time and placed on the **ways and means calendar**.

[House File 690](#), by committee on ways and means, a bill for an act providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision.

Read first time and placed on the **ways and means calendar**.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 541](#), a bill for an act relating to the fee and use of fee for a certificate of birth.

Also: That the Senate has on April 22, 2003, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[Senate File 94](#), a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

Also: That the Senate has on April 22, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 441](#), a bill for an act relating to the transfer of certain property-related tax credits.

Also: That the Senate has on April 22, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 442](#), a bill for an act updating the Iowa Code references to the Internal Revenue Code, providing for decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date.

MICHAEL E. MARSHALL, Secretary

### SENATE MESSAGES CONSIDERED

[Senate File 441](#), by committee on ways and means, a bill for an act relating to the transfer of certain property-related tax credits and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

[Senate File 442](#), by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, providing for decoupling with the Internal Revenue Code for a certain bonus depreciation, provision, and providing retroactive applicability dates and an effective date.

Read first time and referred to committee on **ways and means**.

Speaker pro tempore Carroll in the chair at 3:18 p.m.

### CONSIDERATION OF BILLS Unfinished Business Calendar

[Senate File 354](#), a bill for an act implementing the federal Indian Child Welfare Act, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar offered amendment [H-1365](#) filed by him and Foege of Linn as follows:

H-1365

1 Amend [Senate File 354](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, line 4, by striking the words "any  
4 extended family members of the child," and inserting  
5 the following: "the child's parent, any person who  
6 has custody of the child or with whom the child  
7 resides."  
8 2. Page 13, by striking lines 26 and 27 and  
9 inserting the following:  
10 "f. Identification and provision of information to  
11 the child's family concerning community resources that  
12 may be able to offer housing, financial, and  
13 transportation assistance and actively assisting the  
14 family in accessing the community resources."  
15 3. By striking page 14, line 17 through page 15,  
16 line 12 and inserting the following:  
17 "2. Within seventy-two hours following the  
18 issuance of an order of emergency removal or placement  
19 of an Indian child, the court issuing the order shall  
20 notify the Indian child's tribe of the emergency  
21 removal or placement by registered mail, return  
22 receipt requested. The notice shall include the court  
23 order, the petition, if applicable, any information  
24 required by this chapter, and a statement informing  
25 the child's tribe of the tribe's right to intervene in  
26 the proceeding.  
27 3. A motion, application, or petition commencing  
28 an emergency or temporary removal under section 232.79  
29 or 232.95 or foster care placement proceeding under  
30 chapter 232 involving an Indian child shall be  
31 accompanied by all of the following:  
32 a. An affidavit containing the names, tribal  
33 affiliations, and addresses of the Indian child, and  
34 of the child's parents and Indian custodians.  
35 b. A specific and detailed account of the  
36 circumstances supporting the removal of the child.  
37 c. All reports or other documents from each public  
38 or private agency involved with the emergency or  
39 temporary removal that are filed with the court and  
40 upon which any decision may be based. The reports  
41 shall include all of the following information, when  
42 available:  
43 (1) The name of each agency.  
44 (2) The names of agency administrators and  
45 professionals involved in the removal.  
46 (3) A description of the emergency justifying the  
47 removal of the child.  
48 (4) All observations made and actions taken by the  
49 agency.  
50 (5) The date, time, and place of each such action.

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- 1 (6) The signatures of all agency personnel  
2 involved.  
3 (7) A statement of the specific actions taken and  
4 to be taken by each involved agency to effectuate the  
5 safe return of the child to the custody of the child's  
6 parent or Indian custodian."  
7 4. Page 26, by striking lines 21 through 31 and  
8 inserting the following:  
9 "1. The department of human services, in  
10 consultation with Indian tribes, shall establish  
11 standards and procedures for the department's review  
12 of cases subject to this chapter and methods for  
13 monitoring the department's compliance with provisions  
14 of the federal Indian Child Welfare Act and this  
15 chapter. These standards and procedures and the  
16 monitoring methods shall be integrated into the  
17 department's structure and plan for the federal  
18 government's child and family service review process  
19 and any program improvement plan resulting from that  
20 process."  
21 5. By renumbering as necessary.

Boddicker of Cedar offered the following amendment [H-1384](#), to amendment [H-1365](#), filed by him from the floor and moved its adoption:

H-1384

- 1 Amend the amendment, H-1365, to [Senate File 354](#), as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 17, by striking the words  
5 "seventy-two hours" and inserting the following:  
6 "three business days".

Amendment [H-1384](#) was adopted.

On motion by Boddicker of Cedar, amendment [H-1365](#), as amended, was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 354](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### SENATE AMENDMENT CONSIDERED

J.R. Van Fossen of Scott called up for consideration [House File 171](#), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1212](#):

H-1212

- 1 Amend [House File 171](#), as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 27 the  
4 following:  
5 "Sec. \_\_\_. Section 161B.1, subsection 2, Code  
6 2003, is amended to read as follows:  
7 2. The department of agriculture and land  
8 stewardship shall report annually to the senate  
9 ~~standing committees~~ committee on energy natural  
10 resources and environment and the house of  
11 representatives standing committee on environmental  
12 ~~protection of the house and senate~~ on the projects  
13 conducted with the agricultural energy management  
14 fund."  
15 2. Page 19, by inserting after line 16 the  
16 following:  
17 "Sec. \_\_\_. Section 303A.6, subsection 3, Code  
18 2003, is amended to read as follows:  
19 3. Upon approving a grant, the board shall certify  
20 to the treasurer of state the amount of financial  
21 assistance payable from the ~~trust grant~~ account to the  
22 qualified organization whose grant application is  
23 approved."  
24 3. Page 19, by inserting after line 23 the  
25 following:  
26 "Sec. \_\_\_. Section 307.27, subsection 8, Code  
27 2003, is amended to read as follows:  
28 8. Administer the registration of interstate  
29 ~~commerce commission~~ authority of motor carriers  
30 pursuant to chapter 327B as provided in 49 U.S.C. §  
31 14504 and United States department of transportation  
32 regulations."  
33 4. Page 20, by inserting after line 25 the  
34 following:  
35 "Sec. \_\_\_. Section 327B.1, subsections 1 through  
36 3, Code 2003, are amended to read as follows:  
37 1. It is unlawful for a carrier to perform an  
38 interstate transportation service for compensation  
39 upon the highways of this state without first  
40 registering the authority obtained from the ~~interstate~~  
41 ~~commerce commission~~ United States department of  
42 transportation or evidence that such authority is not  
43 required with the state department of transportation.  
44 2. The department shall participate in the single  
45 state insurance registration program for regulated  
46 motor carriers as provided in 49 U.S.C. § ~~14506~~ 14504  
47 and ~~interstate commerce commission~~ United States  
48 department of transportation regulations.  
49 3. Registration for carriers transporting  
50 commodities exempt from ~~interstate commerce commission~~

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1 United States department of transportation regulation  
2 shall be granted without hearing upon application and  
3 payment of a twenty-five-dollar filing fee and an  
4 annual one-dollar fee per vehicle.

5 Sec. \_\_. Section 327B.7, Code 2003, is amended to  
6 read as follows:

7 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE  
8 REGISTRATION SYSTEM.

9 The department may enter into a reciprocity  
10 agreement on behalf of this state with authorized  
11 representatives of other states to become a member of  
12 an exempt commodity base state registration system for  
13 the registration, insurance verification, and fee  
14 collection for carriers hauling commodities exempt  
15 from ~~interstate commerce commission~~ United States  
16 department of transportation authority.

17 Sec. \_\_. Section 327C.22, Code 2003, is amended  
18 to read as follows:

19 327C.22 INTERSTATE FREIGHT RATES.

20 The department shall exercise constant diligence to  
21 ascertain the rates, charges, rules, and practices of  
22 common carriers operating in this state, in relation  
23 to the transportation of freight in interstate  
24 business. When it shall ascertain from any source or  
25 have reasonable grounds to believe that the rates  
26 charged on such interstate business or the rules or  
27 practices in relation thereto discriminate unjustly  
28 against any of the citizens, industries, interests, or  
29 localities of the state, or place any of them at an  
30 unreasonable disadvantage as compared with those of  
31 other states, or are in violation of the laws of the  
32 United States regulating commerce, or in conflict with  
33 the rulings, orders, or regulations of the ~~interstate~~  
34 ~~commerce commission~~ surface transportation board, the  
35 department shall take the necessary steps to prevent  
36 the continuance of such rates, rules, or practices.

37 Sec. \_\_. Section 327C.23, Code 2003, is amended  
38 to read as follows:

39 327C.23 APPLICATION TO ~~INTERSTATE COMMERCE~~  
40 ~~COMMISSION~~ SURFACE TRANSPORTATION BOARD.

41 When any common carrier has put in force any rates,  
42 rules, or practices in relation to interstate freight  
43 business, in violation of the laws of the United  
44 States regulating commerce, or of the orders, rules,  
45 or regulations of the ~~interstate commerce commission~~  
46 surface transportation board, or shall unjustly  
47 discriminate against any of the citizens, industries,  
48 interests, or localities of the state, the department  
49 shall present the material facts involved in such  
50 violations or discrimination to the ~~interstate~~

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1 ~~commerce commission~~ surface transportation board and  
2 seek relief therefrom, and, if deemed necessary or  
3 expedient, the department shall prosecute any charge  
4 growing out of such violation or discrimination, at  
5 the expense of the state, before the ~~interstate~~  
6 ~~commerce commission~~ surface transportation board.

7 Sec. \_\_. Section 327D.67, unnumbered paragraph 2,  
8 Code 2003, is amended to read as follows:

9 The form of every schedule shall be prescribed by  
10 the department and shall conform, in the case of  
11 common carriers, as nearly as may be to the form  
12 prescribed by the ~~interstate commerce commission~~  
13 United States department of transportation.

14 Sec. \_\_. Section 327D.72, Code 2003, is amended  
15 to read as follows:

16 327D.72 INTERSTATE COMMERCE SCHEDULES.

17 When schedules and classifications required by the  
18 ~~interstate commerce commission~~ United States  
19 department of transportation contain in whole or in  
20 part the information required by the provisions of  
21 this chapter, the posting and filing of a copy of such  
22 schedules and classifications with the ~~interstate~~  
23 ~~commerce commission~~ United States department of  
24 transportation shall be deemed a compliance with the  
25 filing requirements of this chapter insofar as such  
26 schedules and classifications contain the information  
27 required by this chapter, and any additional or  
28 different information may be posted and filed in a  
29 supplementary schedule.

30 Sec. \_\_. Section 327D.200, Code 2003, is amended  
31 to read as follows:

32 327D.200 INCONSISTENCY WITH FEDERAL LAW –  
33 RAILROADS.

34 If any provision of this chapter is inconsistent or  
35 conflicts with federal laws, rules or regulations  
36 applicable to railway corporations subject to the  
37 jurisdiction of the ~~federal interstate commerce~~  
38 ~~commission~~ surface transportation board, the  
39 department shall suspend the provision, but only to  
40 the extent necessary to eliminate the inconsistency or  
41 conflict.

42 Sec. \_\_. Section 327D.201, Code 2003, is amended  
43 to read as follows:

44 327D.201 RAILROAD INTRASTATE RATES – RULES.

45 The department may issue rules relating to the  
46 regulation of railroad intrastate rates,  
47 classifications, rules and practices in accordance  
48 with the standards and procedures of the ~~federal~~  
49 ~~interstate commerce commission~~ surface transportation  
50 board applicable to rail carriers.

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1 Sec. \_\_. Section 327G.61, subsection 2, Code  
2 2003, is amended to read as follows:

3 2. "Spur track" means a railroad track located  
4 wholly within the state connected to a main or branch  
5 line of a railroad and used to originate or terminate  
6 traffic at one or more industries or a railroad track  
7 not subject to the jurisdiction of the ~~interstate~~  
8 ~~commerce commission~~ surface transportation board. A  
9 spur track shall not include a railroad line used to  
10 provide line-haul or intercity transportation.

11 Sec. \_\_. Section 327G.78, unnumbered paragraph 1,  
12 Code 2003, is amended to read as follows:

13 Subject to sections 327G.77 and 6A.16, when a  
14 railroad corporation, its trustee, or its successor in  
15 interest has interests in real property adjacent to a  
16 railroad right-of-way that are abandoned by order of  
17 the ~~interstate commerce commission~~ surface  
18 transportation board, reorganization court, bankruptcy  
19 court, or the department, or when a railroad  
20 corporation, its trustee, or its successor in interest  
21 seeks to sell its interests in that property under any  
22 other circumstance, the railroad corporation, its  
23 trustee, or its successor in interest shall extend a  
24 written offer to sell at a fair market value price to  
25 the persons holding leases, licenses, or permits upon  
26 those properties, allowing sixty days from the time of  
27 receipt for a written response. If a disagreement  
28 arises between the parties concerning the price or  
29 other terms of the sale transaction, either or both  
30 parties may make written application to the department  
31 to resolve the disagreement. The application shall be  
32 made within sixty days from the time an initial  
33 written response is served upon the railroad  
34 corporation, trustee, or successor in interest by the  
35 person wishing to purchase the property. The  
36 department shall notify the department of inspections  
37 and appeals which shall hear the controversy and make  
38 a final determination of the fair market value of the  
39 property and the other terms of the transaction which  
40 were in dispute, within ninety days after the  
41 application is filed. The determination is subject to  
42 review by the department and the department's decision  
43 is the final agency action. All correspondence shall  
44 be by certified mail."

45 5. Page 21, by inserting after line 24, the  
46 following:

47 "Sec. \_\_. Section 384.63, subsection 3, Code  
48 2003, is amended to read as follows:

49 3. When a private improvement is constructed on a  
50 lot subject to a deficiency, during the period of

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1 amortization, the council shall, by resolution, assess  
2 a pro rata portion of the deficiency on that lot, in  
3 the same proportion to the total deficiency on that  
4 lot as the number of future installments of special  
5 assessments remaining to be paid is to the total  
6 number of installments of assessments for the project,  
7 subject to the twenty-five percent limitation of  
8 section 384.62. A deficiency assessment becomes a  
9 lien on the property and is payable in the same  
10 manner, and subject to the same interests as the other  
11 special assessments. The council shall direct the  
12 clerk to certify a deficiency assessment to the county  
13 treasurer, and to send a notice of the deficiency  
14 assessment by mail to each owner, as provided in  
15 section 384.60, ~~subsection 5~~, but publication of the  
16 notice is not required."

17 6. Page 21, line 32, by striking the word  
18 "~~annually~~" and inserting the following: "on July 1 of  
19 each fiscal year".

20 7. Page 22, by inserting after line 8 the  
21 following:

22 "Sec. \_\_\_. Section 435.26, subsection 1, paragraph  
23 a, Code 2003, is amended to read as follows:

24 a. A mobile home or manufactured home which is  
25 located outside a manufactured home community or  
26 mobile home park shall be converted to real estate by  
27 being placed on a permanent foundation and shall be  
28 assessed for real estate taxes. A home, after  
29 conversion to real estate, is eligible for the  
30 homestead tax credit and the military service tax  
31 exemption as provided in sections 425.2 and 426A.11."

32 8. Page 27, line 12, by striking the word and  
33 figures "504 or 504A" and inserting the following:  
34 "504, Code 1989, or chapter 504A".

35 9. Page 30, by inserting after line 12, the  
36 following:

37 "Sec. \_\_\_. Section 537.1303, subsection 10, Code  
38 2003, is amended to read as follows:

39 10. "Pursuant to a credit card". Section  
40 537.1301, subsection ~~17~~ 16."

41 10. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1212](#).

J.R. Van Fossen of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 171](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Rants, Spkr.          Sands

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### Appropriations Calendar

[House File 657](#), a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and

providing a standing limited appropriation, was taken up for consideration.

Alons of Sioux offered the following amendment [H-1293](#) filed by the committee on appropriations and moved its adoption:

H-1293

- 1 Amend [House File 657](#) as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "funds received by the state" and inserting the
- 4 following: "grants as defined in section 8.2,
- 5 subsections 1 and 3".

The committee amendment [H-1293](#) was adopted.

[SENATE FILE 438](#) SUBSTITUTED FOR [HOUSE FILE 657](#)

Alons of Sioux asked and received unanimous consent to substitute [Senate File 438](#) for [House File 657](#).

[Senate File 438](#), a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation, was taken up for consideration.

Alons of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 438](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs

Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**[HOUSE FILE 657](#) WITHDRAWN**

Alons of Sioux asked and received unanimous consent to withdraw [House File 657](#) from further consideration by the House.

[Senate File 375](#), a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 375](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Connors

Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### Ways and Means Calendar

**House File 665**, a bill for an act relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability, was taken up for consideration.

Horbach of Tama offered the following amendment **H-1277** filed by him and moved its adoption:

H-1277

- 1 Amend **House File 665** as follows:
- 2 1. Page 1, by striking line 21, and inserting the
- 3 following: "leased to an entity other than an entity

- 4 which is exempt from property taxation under this  
 5 section shall be".  
 6 2. Page 1, line 22, by striking the words "exempt  
 7 from" and inserting the following: "subject to  
 8 property".  
 9 3. Page 2, by striking lines 15 and 16, and  
 10 inserting the following: "property taxes due and  
 11 payable on".  
 12 4. Page 2, line 18, by inserting after the word  
 13 "departments" the following: "if land subject to this  
 14 section is leased to an entity other than an entity  
 15 which is exempt from property taxation under section  
 16 427.1".

Amendment [H-1277](#) was adopted.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 665](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Lukan                      Rants, Spkr.                      Rayhons

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 171, 665 and Senate Files 354, 375 and 438.**

#### INTRODUCTION OF BILL

[House File 691](#), by committee on appropriations, a bill for an act relating to state and local government financial and regulatory matters, making and reducing appropriations, providing a fee, and providing applicability and effective dates.

Read first time and placed on **appropriations calendar.**

#### Unfinished Business Calendar

[Senate File 402](#), a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses, with report of committee recommending passage, was taken up for consideration.

McCarthy of Polk offered the following amendment [H-1391](#) filed by him and Baudler of Adair from the floor and moved its adoption:

H-1391

- 1 Amend [Senate File 402](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 27 the
- 4 following:
- 5 "Sec. \_\_\_. Section 708.2, Code 2003, is amended by
- 6 adding the following new subsection:
- 7 **NEW SUBSECTION.** 4A. A person who commits an
- 8 assault, as defined in section 708.1, and who uses any
- 9 object to penetrate the genitalia or anus of another

- 10 person, is guilty of a class "C" felony."  
 11 2. Title page, line 1, by inserting after the  
 12 word "to" the following: "sexual assault offenses by  
 13 affecting".  
 14 3. Title page, line 2, by inserting after the  
 15 word "offenses" the following: "and by modifying the  
 16 penalties for certain assaults".  
 17 4. By renumbering as necessary.

Amendment [H-1391](#) was adopted.

Paulsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 402](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

[Senate File 343](#), a bill for an act relating to operation permits for public disposal systems and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Fallon of Polk offered the following amendment [H-1291](#) filed by him and moved its adoption:

H-1291

1 Amend [Senate File 343](#), as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 3, by striking the words "A  
4 publicly" and inserting the following: "After a  
5 publicly owned disposal system has applied for and  
6 been denied financial assistance from the Iowa water  
7 pollution control works and drinking water facilities  
8 financing program, the publicly".

Amendment [H-1291](#) lost.

Gipp of Winneshiek asked and received unanimous consent that [Senate File 343](#) be deferred and that the bill retain its place on the calendar.

[Senate File 173](#), a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations, with report of committee recommending passage, was taken up for consideration.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 173](#))

The ayes were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Chambers	De Boef
Dennis	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Watts	Wilderdyke	Carroll, Presiding

The nays were, 47:

Bell	Berry	Bukta	Cphoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevort	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Van Fossen, J.R.	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 1:

Dix

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### Ways and Means Calendar

**House File 670**, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision, was taken up for consideration.

SENATE FILE 366 SUBSTITUTED FOR HOUSE FILE 670

Eichhorn of Hamilton asked and received unanimous consent to substitute Senate File 366 for House File 670.

Senate File 366, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that Senate File 366 be deferred and that the bill retain its place on the calendar.

ADOPTION OF HOUSE RESOLUTION 50

Lensing of Johnson, Foege of Linn, Mascher of Johnson and Myers of Johnson called up for consideration House Resolution 50, a resolution honoring the University of Iowa Football Team and Coach Kirk Ferentz, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Myers of Johnson introduced to the House, Coach Kirk Ferentz of the University of Iowa Football Team who spoke briefly thanking the House for the honor and expressing thanks to his team and staff.

The House rose and expressed its welcome.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 599, a bill for an act relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability.

Also: That the Senate has on April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 600](#), a bill for an act regulating organic agricultural products, providing for fees and penalties, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Klemme of Plymouth in the chair at 4:36 p.m.

The House resumed consideration of [Senate File 366](#), a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision, previously deferred.

Eichhorn of Hamilton offered the following amendment [H-1330](#) filed by him and moved its adoption:

H-1330

- 1 Amend [Senate File 366](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 27, by inserting after the word
- 4 "trust" the following: "not".

Amendment [H-1330](#) was adopted.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 366](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones

Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Klemme, Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### Ways and Means Calendar

**House File 680**, a bill for an act relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing effective and applicability dates, was taken up for consideration.

Carroll of Poweshiek in the chair at 4:48 p.m.

Lukan of Dubuque offered the following amendment **H-1359** filed by Lukan, et al., and moved its adoption:

H-1359

- 1 Amend **House File 680** as follows:
- 2 1. Page 1, by striking lines 6 through 12 and
- 3 inserting the following:
- 4 "**NEW PARAGRAPH.** t. Wholesale bait dealer license .. \$ 125.00
- 5 Sec. \_\_. Section 483A.1, subsection 2, paragraph
- 6 1, Code 2003, is amended to read as follows:
- 7 1. ~~Bait~~ **Retail bait** dealer license ..... \$ ~~66.00~~
- 8 **125.00**
- 9 **or the amount for the same type of license**
- 10 **in the nonresident's state, whichever is**

11 greater  
 12 Sec. \_\_. Section 483A.1, subsection 2, Code 2003,  
 13 is amended by adding the following new paragraph:  
 14 NEW PARAGRAPH. t. Wholesale bait dealer license ... \$ 250.00  
 15 or the amount for the same type of license  
 16 in the nonresident's state, whichever is  
 17 greater".  
 18 2. Page 1, by striking lines 22 through 24 and  
 19 inserting the following:  
 20 "Sec. \_\_. EFFECTIVE DATE. This Act, being deemed  
 21 of immediate importance, takes effect upon enactment."  
 22 3. Title page, by striking line 3, and inserting  
 23 the following: "reciprocity, and providing an  
 24 effective date."  
 25 4. By renumbering as necessary.

Amendment [H-1359](#) was adopted.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 680](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Whitaker Wise	Whitead Carroll, Presiding	Wilderdyke	Winckler
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The nays were, none.

Absent or not voting, 2:

Hansen	Rants, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Appropriations Calendar

**House File 684**, a bill for an act relating to the revenue estimating conference's responsibilities and authority, was taken up for consideration.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**H.F. 684**)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Rants, Spkr.            Van Fossen, J.K.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILES 554 AND 670 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House Files 554 and 670 from further consideration by the House.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 680, 684** and **Senate Files 173, 366** and **402**.

#### SENATE AMENDMENT CONSIDERED

Roberts of Carroll called up for consideration [House File 594](#), a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making an appropriation, making penalties applicable, and providing an effective date, amended by the Senate amendment [H-1369](#):

H-1369

- 1 Amend [House File 594](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the words "No more
- 4 than four" and inserting the following: "For an
- 5 organization that meets the requirements of section
- 6 99B.7, subsection 1, paragraph "m", no more than four,
- 7 and for all other persons, no more than two".
- 8 2. Page 1, by striking lines 11 through 14 and
- 9 inserting the following: "location or premises. Each

10 person owning an electrical and mechanical amusement  
 11 device in this state shall obtain a registration tag  
 12 for each electrical and mechanical amusement device  
 13 owned that is required".  
 14 3. Page 1, line 25, by inserting after the word  
 15 "chapter." the following: "A person owning or leasing  
 16 an electrical and mechanical amusement device required  
 17 to be registered under this subsection shall only own  
 18 or lease an electrical and mechanical amusement device  
 19 that is required to be registered that has been  
 20 purchased from a manufacturer, manufacturer's  
 21 representative, or distributor registered with the  
 22 department under section 99B.10A."  
 23 4. Page 2, line 6, by inserting after the word  
 24 "department." the following: "Each person who  
 25 registers with the department under this section shall  
 26 pay an annual registration fee of two thousand five  
 27 hundred dollars."  
 28 5. Title page, line 3, by inserting after the  
 29 word "thereof," the following: "establishing fees,".  
 30 6. By renumbering, relettering, or redesignating  
 31 and correcting internal references as necessary.

Gipp of Winneshiek asked and received unanimous consent that [House File 594](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-1369](#) pending)

#### Unfinished Business Calendar

[House File 358](#), a bill for an act relating to life science enterprises by providing for financing, was taken up for consideration.

Alons of Sioux offered the following amendment [H-1192](#) filed by the committee on agriculture and moved its adoption:

H-1192

1 Amend [House File 358](#) as follows:  
 2 1. Page 1, by striking lines 14 through 18, and  
 3 inserting the following: "plan. In addition, the  
 4 life science enterprise shall not ~~acquire or hold~~  
 5 ~~agricultural land if the life science enterprise~~  
 6 ~~receives receive~~ any form of financing from an Iowa  
 7 agricultural industry finance corporation as provided  
 8 in chapter 15E for the purchase or lease of  
 9 agricultural land in this state. A life science  
 10 enterprise that complies with".  
 11 2. Page 1, by inserting after line 22 the  
 12 following:

- 13 "Sec. \_\_. EFFECTIVE DATE. This Act, being deemed  
14 of immediate importance, takes effect upon enactment."  
15 3. Title page, line 2, by inserting after the  
16 word "financing" the following: ", and providing an  
17 effective date".  
18 4. By renumbering as necessary.

The committee amendment [H-1192](#) was adopted.

Hogg of Linn asked and received unanimous consent that amendment [H-1385](#) be deferred.

Kuhn of Floyd offered the following amendment [H-1280](#) filed by Kuhn, et al., and moved its adoption:

H-1280

- 1 Amend [House File 358](#) as follows:  
2 1. Page 1, by inserting after line 22 the  
3 following:  
4 "Sec. \_\_. Section 15E.202, subsection 7, Code  
5 2003, is amended to read as follows:  
6 7. "Biotechnology enterprise" means an enterprise  
7 organized under the laws of this state using  
8 biological systems or techniques for the development  
9 of specialized plant or animal characteristics for  
10 beneficial nutritional, commercial, or industrial  
11 purposes, including but not limited for the purposes  
12 of a life science enterprise as provided in section  
13 10C.2.  
14 Sec. \_\_. 15E.202, Code 2003, is amended by adding  
15 the following new subsections:  
16 NEW SUBSECTION. 7A. "Biotechnological system or  
17 technique" means any scientific process, including but  
18 not limited to a transgenic process, that involves  
19 changing an organism's original genetic code or  
20 modifying enzymes in living cells to cause a specific  
21 biochemical reaction, other than by breeding or  
22 pollination. For purposes of this subsection, a life  
23 science product as provided in chapter 10C is produced  
24 using a biotechnological system or technique.  
25 NEW SUBSECTION. 16A. "Processing" means turning  
26 an agricultural commodity into an agricultural  
27 processed product by physical or chemical  
28 modification, including but not limited to canning,  
29 freezing, drying, dehydrating, cooking, pressing,  
30 powdering, packaging, repacking, baking, heating,  
31 mixing, grinding, churning, separating, extracting,  
32 cutting, fermenting, eviscerating, preserving,  
33 jarring, brewing, or slaughtering.

34 Sec. \_\_. Section 15E.209, subsection 3, Code  
 35 2003, is amended to read as follows:  
 36 3. A An Iowa agricultural industry finance  
 37 corporation shall not provide financing to support an  
 38 outstanding debt or other obligation, regardless of  
 39 whether the original financing was provided by a  
 40 corporation.  
 41 4. a. An Iowa agricultural industry finance  
 42 corporation that receives an Iowa agricultural  
 43 industry finance loan shall invest at least fifty  
 44 percent of all of its moneys to finance an Iowa  
 45 agricultural industry venture involving processing.  
 46 b. An Iowa agricultural industry finance  
 47 corporation that receives an Iowa agricultural  
 48 industry finance loan shall not invest more than fifty  
 49 percent of all of its moneys in a business which  
 50 produces or studies the production of an article

Page 2

1 derived from a biotechnological system or technique.  
 2 An Iowa agricultural industry finance corporation's  
 3 moneys include moneys that originate from an Iowa  
 4 agricultural industry finance loan or any another  
 5 source. The investment referred to in paragraph "a"  
 6 may be in the form of financing as provided in this  
 7 section or may be the acquisition of an equity  
 8 interest in a business."

Roll call was requested by Myers of Johnson and Kuhn of Floyd.

Rule 75 was invoked.

On the question "Shall amendment [H-1280](#) be adopted?" ([H.F. 358](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	De Boef
Fallon	Foegen	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Petersen	Quirk	Rayhons	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas

Wendt                      Whitaker                      Whitead                      Winckler  
Wise

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Chambers	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Roberts
Sands	Schickel	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Carroll, Presiding	

Absent or not voting, none.

Amendment [H-1280](#) lost.

Hogg of Linn offered the following amendment [H-1385](#) filed by him from the floor, previously deferred, and moved its adoption:

H-1385

1 Amend [House File 358](#) as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "land." the following: "A life science enterprise  
4 that receives any form of financing from an Iowa  
5 agricultural industry finance corporation as provided  
6 in chapter 15E shall file a life science security plan  
7 with the department of economic development according  
8 to procedures required by the department. However,  
9 the plan must be submitted to the department no later  
10 than ninety days after the life science enterprise's  
11 application for financial assistance has been  
12 approved. The plan shall provide for management  
13 practices which include safeguards designed to protect  
14 against threats presented by terrorism and to ensure  
15 the protection of human health, the natural  
16 environment, and agricultural products. The plan  
17 shall be approved by the department of economic  
18 development. If the department approves the plan, the  
19 department shall also submit the plan to the Iowa  
20 department of public health, the department of natural  
21 resources, the department of agriculture and land  
22 stewardship, and the emergency management division of

23 the department of public defense for further approval.  
 24 The further approvals or any disapproval by another  
 25 department shall be returned to the department of  
 26 economic development. Any disapproval shall include  
 27 reasons for the disapproval. The life science  
 28 enterprise shall resubmit a plan until the plan is  
 29 approved by each of the departments."  
 30 2. By renumbering as necessary.

Amendment [H-1385](#) lost.

Alons of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 358](#))

The ayes were, 54:

Alons	Baudler	Boal	Boddicker
Boggess	Chambers	Dandekar	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdye
Wise	Carroll,		
	Presiding		

The nays were, 45:

Arnold	Bell	Berry	Bukta
Cohoon	Connors	Davitt	De Boef
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Osterhaus	Petersen
Quirk	Reasoner	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler			

Absent or not voting, 1:

Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### Unfinished Business Calendar

[Senate File 353](#), a bill for an act requiring establishment of county child protection assistance teams, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 353](#))

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### SENATE AMENDMENTS CONSIDERED

Boddicker of Cedar called up for consideration [House File 565](#), a bill for an act relating to the healthy and well kids in Iowa program, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1366](#):

H-1366

- 1 Amend [House File 565](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "amounts" the following: "of not less than ten
- 5 dollars per individual and twenty dollars per family,
- 6 if not otherwise prohibited by federal law."
- 7 2. Page 2, by striking line 32, and inserting the
- 8 following: "shall be assessed ~~on a sliding fee scale~~
- 9 based on family".
- 10 3. Page 3, by striking lines 15 and 16, and
- 11 inserting the following:
- 12 "e. Is not currently covered ~~under or was not~~
- 13 ~~covered within the prior six months~~ under a group
- 14 health plan as".
- 15 4. Page 3, by inserting after line 33, the
- 16 following:
- 17 "Sec.    . MONITORING AND REPORTING REQUIREMENTS.
- 18 The department of human services shall monitor the
- 19 effects of the striking of section 514I.5, subsection
- 20 8, paragraph "m", by this Act, until June 30, 2005.
- 21 The department shall submit a report to the general
- 22 assembly annually on January 15, during the period
- 23 ending June 30, 2005, that includes the reporting of
- 24 any increased cost of the hawk-i program resulting
- 25 from the striking of the paragraph described in this
- 26 section."
- 27 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1366](#).

Boddicker of Cedar moved that the bill, as amended by the Senate

and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 565](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Kramer                      Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Upmeyer of Hancock called up for consideration [House File 386](#), a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1349](#):

H-1349

- 1 Amend [House File 386](#), as passed by the House, as  
 2 follows:  
 3 1. Page 5, by inserting after line 1 the  
 4 following:  
 5 "Sec. \_\_\_. NEW SECTION. 231.23A PROGRAMS AND  
 6 SERVICES.  
 7 The department of elder affairs shall provide or  
 8 administer, but is not limited to providing or  
 9 administering, all of the following programs and  
 10 services:  
 11 1. Elderly services including but not limited to  
 12 home and community-based services such as adult day  
 13 services, assessment and intervention, transportation,  
 14 chore services, counseling, homemaker services,  
 15 material aid, personal care, reassurance, respite  
 16 services, visitation, caregiver support, emergency  
 17 response system services, mental health outreach, and  
 18 home repair.  
 19 2. The senior internship program.  
 20 3. The retired senior volunteer program.  
 21 4. The case management program for the frail  
 22 elderly.  
 23 5. Administration relating to the long-term care  
 24 resident's advocate program and training for resident  
 25 advocate committees.  
 26 6. Administration relating to the area agencies on  
 27 aging.  
 28 7. Other programs and services authorized by law."  
 29 2. Page 10, line 1, by inserting after the word  
 30 "out" the following: "reasonably and".  
 31 3. By renumbering, relettering, or redesignating  
 32 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1349](#).

Upmeyer of Hancock moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 386](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess

Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdike	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Myers                      Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 492](#), a bill for an act relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain reporting requirements.

Also: That the Senate has on April 22, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 19](#), a concurrent resolution urging congressional

adoption of a free trade agreement between Taiwan and the United States.

MICHAEL E. MARSHALL, Secretary

### HOUSE RECEDES

Horbach of Tama called up for consideration [Senate File 435](#), a bill for an act relating to and making appropriations to the judicial branch, amended by the House and moved that the House recede from its amendment.

The motion prevailed and the House recesses.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 435](#))

The ayes were, 89:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohon	Connors
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Struyk	Taylor, D.	Taylor, T.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitead	Wilderdyke	Winckler	Wise
Carroll, Presiding			

The nays were, 10:

Davitt	Frevert	Gaskill	Kuhn
Quirk	Smith	Stevens	Swaim
Thomas	Whitaker		

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 358, 386, 565** and **[Senate File 353](#)**.

#### Unfinished Business Calendar

The House resumed consideration of **[Senate File 343](#)**, a bill for an act relating to operation permits for public disposal systems and providing an effective date, previously deferred.

Greimann of Story offered amendment **[H-1398](#)** filed by her from the floor as follows:

H-1398

1 Amend **[Senate File 343](#)**, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 455B.171, subsection 4, Code  
6 2003, is amended to read as follows:  
7 4. "Credible data" means scientifically valid  
8 chemical, physical, or biological monitoring data  
9 collected under a scientifically accepted sampling and  
10 analysis plan, including quality control and quality  
11 assurance procedures, and scientifically valid  
12 evaluative data and information documented by a  
13 qualified professional in the department such as a  
14 professional engineer, biologist, or hydrologist, or  
15 by a professional designee of the department, as  
16 defined in section 455B.193, subsection 1. Data dated  
17 more than ~~five~~ ten years before the department's date

18 of listing or other determination under section  
19 455B.194, subsection 1, shall be presumed not to be  
20 credible data unless the department identifies  
21 compelling reasons as to why the data is credible.  
22 Sec. \_\_. Section 455B.171, subsection 8, Code  
23 2003, is amended to read as follows:  
24 8. "Historical data" means data collected more  
25 than ~~five~~ ten years before the department's date of  
26 listing or other determination under section 455B.194,  
27 subsection 1."  
28 2. Page 1, line 11, by inserting after the word  
29 "methods" the following: "using credible data".  
30 3. Page 1, by inserting after line 12 the  
31 following:  
32 "Sec. \_\_. Section 455B.193, subsection 1, Code  
33 2003, is amended to read as follows:  
34 1. Data is not credible data unless the data  
35 originates from studies and samples collected by the  
36 department, a professional designee of the department,  
37 or a qualified volunteer. For purposes of this  
38 subsection, "professional designee" includes  
39 governmental agencies other than the department, and a  
40 person hired by, or under contract for compensation  
41 with, the department to collect or study data, and a  
42 qualified volunteer who has passed the third level of  
43 training in quality control and quality assessment  
44 measures under the Iowa water pollution control works  
45 and drinking water facilities financing program.  
46 Sec. \_\_. Section 455B.194, subsection 1,  
47 paragraph a, Code 2003, is amended by striking the  
48 paragraph.  
49 Sec. \_\_. Section 455B.195, subsection 1,  
50 paragraph b, Code 2003, is amended to read as follows:

Page 2

1 b. The data quality for removal of water of the  
2 state from any list of impaired waters including any  
3 section 303(d) list shall be the same as the data  
4 quality for adding a water to that list. A water of  
5 the state that is placed on a section 303(d) list  
6 shall not be removed from a section 303(d) list due to  
7 lack of credible data."  
8 4. Title page, line 1, by inserting after the  
9 word "systems" the following: "and credible data  
10 concerning water quality".  
11 5. By renumbering as necessary.

Greiner of Washington rose on a point of order that amendment  
[H-1398](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1398](#) not germane.

Greiner of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 343](#))

The ayes were, 61:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Manternach	Mertz	Olson, S.
Paulsen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Roberts	Sands
Schickel	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Carroll, Presiding			

The nays were, 39:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Greimann
Heddens	Hogg	Hunter	Jochum
Lensing	Lykam	Maddox	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Osterhaus	Petersen
Reasoner	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 343](#) be immediately messaged to the Senate.

## SENATE AMENDMENT CONSIDERED

The House resumed consideration [House File 594](#), a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making an appropriation, making penalties applicable, and providing an effective date, amended by the Senate amendment [H-1369](#), pending and found on pages 1229 and 1230 of the House Journal.

Heaton of Henry asked and received unanimous consent to withdraw amendment [H-1396](#), to the Senate amendment [H-1369](#), filed by him from the floor.

Petersen of Polk offered the following amendment [H-1394](#), to the Senate amendment [H-1369](#), filed by her and Wise of Lee from the floor and moved its adoption:

H-1394

1 Amend the Senate amendment, H-1369, to House File  
2 594, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 27 the  
5 following:  
6 "\_\_\_ Page 2, line 12, by inserting after the  
7 words "in this state." the following: "Fees collected  
8 pursuant to this section shall not be deposited in the  
9 general fund of the state but are appropriated to the  
10 department of human services for the purpose of  
11 increasing registered child care inspections."

Amendment [H-1394](#) lost.

Petersen of Polk asked and received unanimous consent to withdraw amendment [H-1395](#), to the Senate amendment [H-1369](#), filed by her from floor.

On motion by Roberts of Carroll the House concurred in the Senate amendment [H-1369](#).

Roberts of Carroll moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 594](#))

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Maddox	Manternach	Mascher	McCarthy
Mertz	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Wise	Carroll, Presiding		

The nays were, 4:

Gaskill	Lykam	Miller	Winckler
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Absent or not voting, 2:

Gipp	Rants, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Unfinished Business Calendar

**Senate File 405**, a bill for an act relating to the authority of a city to acquire equity interests in business entities for the purpose of participating in electric energy transmission service, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 405](#))

The ayes were, 82:

Alons	Baudler	Bell	Berry
Boal	Bogges	Bukta	Chambers
Cohoon	Connors	Dandekar	Davitt
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Huseman	Jacobs	Jenkins
Jochum	Jones	Klemme	Kuhn
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, 18:

Arnold	Boddicker	De Boef	Ford
Granzow	Horbach	Hunter	Huser
Hutter	Kramer	Kurtenbach	Lalk
Manternach	Rasmussen	Rayhons	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### SENATE AMENDMENT CONSIDERED

Schickel of Cerro Gordo called up for consideration [House File 584](#), a bill for an act providing for exceptions to municipal tort liability for certain activities, amended by the Senate amendment [H-1337](#):

H-1337

- 1 Amend [House File 584](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 12, and
- 4 inserting the following: "constructed or
- 5 reconstructed, reasonably and in good faith, in
- 6 accordance with a generally recognized engineering or
- 7 safety ~~standard, criteria, standards~~ or design ~~theory~~
- 8 theories in existence at the time of the construction
- 9 or reconstruction."
- 10 2. By renumbering as necessary.

Miller of Webster offered the following amendment [H-1379](#), to the Senate amendment [H-1337](#), filed by her and moved its adoption:

H-1379

- 1 Amend the Senate amendment, H-1337, to House File
- 2 584, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "   . Page 1, by inserting before line 1 the
- 6 following:
- 7 "Section 1. NEW SECTION. 321G.23a RECREATIONAL
- 8 RIDING AREA – LIMITATION OF LIABILITY OF PRIOR
- 9 LANDOWNERS.
- 10 Prior owners of land on which an all-terrain
- 11 vehicle recreational riding area is established,
- 12 maintained, or operated owe no duty of care to keep
- 13 the land safe for entry or use by persons operating an
- 14 all-terrain vehicle or to give any warning of a
- 15 dangerous condition, use, structure, or activity on
- 16 such premises that would make the land unsafe for all-
- 17 terrain vehicle usage.""
- 18 2. Title page, line 1, by striking the words
- 19 "municipal tort".
- 20 3. By renumbering as necessary.

Amendment [H-1379](#) was adopted.

On motion by Schickel of Cerro Gordo, the House concurred in the Senate amendment [H-1337](#), as amended.

Schickel of Cerro Gordo moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 584](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1.

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### SENATE AMENDMENT CONSIDERED

Eichhorn of Hamilton called up for consideration [House File 404](#), a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1323](#):

H-1323

- 1 Amend [House File 404](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "victim" the following: ", a person residing with the
- 5 victim, a member of the victim's immediate family, or
- 6 a witness to the offense".
- 7 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1323](#).

Eichhorn of Hamilton moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 404](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach

Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Kramer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### SENATE AMENDMENT CONSIDERED

Alons of Sioux called up for consideration [House File 644](#), a bill for an act providing for manure application requirements, providing for fees, making penalties applicable, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1370](#):

H-1370

- 1 Amend [House File 644](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 11 through 13, and
- 4 inserting the following: "license pursuant to section
- 5 17A.18A. The".
- 6 2. Page 6, by striking lines 28 through 34, and
- 7 inserting the following:
- 8 "The department may issue an order to suspend or
- 9 revoke the certification of a commercial manure
- 10 service representative for a violation of this
- 11 chapter. The department shall issue an order for the
- 12 suspension".
- 13 3. By striking page 10, line 16, through page 12,
- 14 line 25.
- 15 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1370](#).

Alons of Sioux moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 644](#))

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## INTRODUCTION OF BILL

[House File 692](#), by committee on ways and means, a bill for an act relating to taxation of property and income and including effective date and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 404, 584, 594, 644** and [Senate File 405](#).

## MOTION TO RECONSIDER

[\(Senate File 435\)](#)

I move to reconsider the vote by which [Senate File 435](#) passed the House on April 22, 2003.

HORBACH of Tama

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22<sup>nd</sup> day of April, 2003: House Files 204, 390, 392, 480, 493, 505, 545, 603 and 641.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 2003, he approved and transmitted to the Secretary of State the following bills:

[House File 170](#), an Act relating to the criminal offense of identity theft by making changes in the elements of the offense.

[House File 344](#), an Act allowing a refund of motor fuel taxes paid by a benefited fire district.

[House File 349](#), an Act relating to the representation of indigent persons and indigent defense claims.

[House File 380](#), an Act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

[House File 389](#), an Act providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

[House File 395](#), an Act relating to the extension of credit without discrimination under the consumer credit code.

[Senate File 3](#), an Act relating to the inclusion of certain information in a termination of pregnancy report.

[Senate File 119](#), an Act relating to real estate appraiser certification.

[Senate File 155](#), an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

[Senate File 201](#), an Act relating to a review of statistical information compiled by the Board of Educational Examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

[Senate File 236](#), an Act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

[Senate File 303](#), an Act relating to the contents of certain child abuse assessment reports.

[Senate File 395](#), an Act relating to assistance services provided to the Department of Agriculture and Land Stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges.

## CERTIFICATES OF RECOGNITION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

**MARGARET A. THOMSON**  
Chief Clerk of the House

- 2003\1253 Dale and Janice Wagner, Indianola – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1254 Herbert Walk, Indianola – For celebrating his 85<sup>th</sup> birthday.
- 2003\1255 Florence Zimmerman, Indianola – For celebrating her 89<sup>th</sup> birthday.
- 2003\1256 Helen Schadde, Creston – For celebrating her 80<sup>th</sup> birthday.
- 2003\1257 Jim Danner, Lucas – For celebrating his 95<sup>th</sup> birthday.
- 2003\1258 Myrna Shope, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2003\1259 Carol and Richard Weidner, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1260 Gwen and Urban Long, Marshalltown – For celebrating their 57<sup>th</sup> wedding anniversary.
- 2003\1261 Dorothy Olsen, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2003\1262 Robert and Rita Welter, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1263 John Madden, Rock Rapids – For being one of four men to receive a 2003 Distinguished Engineer Award from South Dakota State University.
- 2003\1264 Wallace Caswell, Inwood – For being a 2003 winner of the Tradition of Caring Jefferson Award for Public Service.
- 2003\1265 Agnes Mobley, Shenandoah – For celebrating her 90<sup>th</sup> birthday.
- 2003\1266 Verne and Ruth Drews, Clinton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1267 LeRoy and Myrna Mohr, Clinton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1268 Joyce and Arnold Andersen, Clinton – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2003\1269 Elmer Seiler, Clinton – For celebrating his 90<sup>th</sup> birthday.
- 2003\1270 Leonard Peters, Clinton – For celebrating his 90<sup>th</sup> birthday.
- 2003\1271 Henry Rose, Eldora – For celebrating his 80<sup>th</sup> birthday.
- 2003\1272 Mary Fisher, Hubbard – For celebrating her 95<sup>th</sup> birthday.
- 2003\1273 Dorothy Roelfs, Ackley – For celebrating her 85<sup>th</sup> birthday.
- 2003\1274 Margaret Johns, Ackley – For celebrating her 85<sup>th</sup> birthday.
- 2003\1275 Clarence Blanchard, Hampton – For celebrating his 90<sup>th</sup> birthday.
- 2003\1276 Beecher Crosley, Eldora – For celebrating his 90<sup>th</sup> birthday.
- 2003\1277 Woody Fisher, Ackley – For celebrating his 98<sup>th</sup> birthday.
- 2003\1278 Vera Baumann, Iowa Falls – For celebrating her 85<sup>th</sup> birthday.
- 2003\1279 Verna Kielsmeier, Alden – For celebrating her 80<sup>th</sup> birthday.
- 2003\1280 Vera and Ted Cutler, New Providence – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1281 Henry and Dorothy Jensen, Hubbard – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1282 Lloyd and Martha McDonald, New Providence – For celebrating their 50<sup>th</sup> wedding anniversary.

#### COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly LSB 3461YC), resulting to state and local government financial and regulatory matters and providing for applicability.

Fiscal note is required.

Recommended **Amend and Do Pass** April 22, 2003.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly [House Study Bill 312](#)), relating to taxation of property and income and including effective date and applicability date provisions.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 22, 2003.

## RESOLUTION FILED

[HR 55](#), by Boal, Tymeson, Boddicker, Manternach, Paulsen and Gipp, a resolution reaffirming Iowa's commitment to freedom and democracy and calling for an end to terrorism.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#">H-1386</a>	<a href="#">H.F.</a>	<a href="#">685</a>	Smith of Marshall
Berry of Black Hawk			Hogg of Linn
Whitead of Woodbury			Wendt of Woodbury
Lensing of Johnson			Greimann of Story
Petersen of Polk			Mertz of Kossuth
Foege of Linn			D. Olson of Boone
<a href="#">H-1387</a>	<a href="#">H.F.</a>	<a href="#">685</a>	Smith of Marshall
Berry of Black Hawk			Whitead of Woodbury
Osterhaus of Jackson			Jochum of Dubuque
Wendt of Woodbury			Lensing of Johnson
Miller of Webster			Petersen of Polk
Mertz of Kossuth			Foege of Linn
D. Olson of Boone			
<a href="#">H-1388</a>	<a href="#">H.F.</a>	<a href="#">685</a>	Smith of Marshall
Berry of Black Hawk			Hogg of Linn
Wise of Lee			Whitead of Woodbury
Kuhn of Floyd			Osterhaus of Jackson
Jochum of Dubuque			Wendt of Woodbury
Lensing of Johnson			Greimann of Story
Foege of Linn			Whitaker of Van Buren
Swaim of Davis			Miller of Webster
Struyk of Pottawattamie			Petersen of Polk
Mertz of Kossuth			Frevert of Palo Alto

## Bell of Jasper

## D. Olson of Boone

[H-1389](#)      [S.F. 94](#)  
[H-1390](#)      [H.F. 686](#)  
[H-1392](#)      [H.F. 685](#)  
[H-1393](#)      [S.F. 383](#)

[H-1397](#)      [H.F. 674](#)

[H-1399](#)      [H.F. 691](#)  
[H-1400](#)      [H.F. 668](#)  
[H-1401](#)      [H.F. 691](#)  
[H-1402](#)      [H.F. 691](#)

[H-1403](#)      [H.F. 679](#)

[H-1404](#)      [H.F. 677](#)  
[H-1405](#)      [S.F. 422](#)  
[H-1406](#)      [H.F. 686](#)  
[H-1407](#)      [H.F. 675](#)

## Cohoon of Des Moines

Senate Amendment  
Shoultz of Black Hawk  
Huser of Polk  
Tymeson of Madison  
Stevens of Dickinson  
Schickel of Cerro Gordo  
Whitaker of Van Buren  
Tymeson of Madison  
Murphy of Dubuque  
Paulsen of Linn  
Horbach of Tama  
Jenkins of Black Hawk  
Horbach of Tama  
Baudler of Adair  
Tjepkes of Webster  
J.R. Van Fossen of Scott  
Bell of Jasper  
Connors of Polk  
Eichhorn of Hamilton  
Miller of Webster  
Lukan of Dubuque  
Fallon of Polk  
Ford of Polk  
Upmeyer of Hancock

On motion by Gipp of Winneshiek the House adjourned at 7:49 p.m., until 8:45 a.m., Wednesday, April 23, 2003.